

SERIAL NO. 09/865,880

ATTORNEY DOCKET NO. LE 00 022 (7244*98)

- D³
55. The one-part photographic bleach-fixing concentrate according to claim 44, wherein said thiosulphate is sodium thiosulphate, potassium thiosulphate or ammonium thiosulphate.
56. The one-part bleach-fixing concentrate according to claim 51, wherein said one or more complexing agents is present in an amount from 1 to 200 mmol/l concentrate.
57. The one-part bleach-fixing concentrate according to claim 51, wherein the one or more complexing agents is in an amount of from 5 to 50 mmol/l concentrate.
58. The one-part photographic bleach-fixing concentrate as claimed in claim 44, wherein component d) is at least one compound selected from the group consisting of a phosphate, polyphosphate and polyphosphonate.---

REMARKS

The applicants respectfully request reconsideration in view of the amendment and following remarks. Support for amended claim 13 can be found in the specification at page 1, lines 29-30. The applicants just changed dependencies of claims 27 and 28. Support for newly added claim 30 can be found in pending claim 13 and in Example 2 of the present application. Support for newly added claim 31 can be found at page 1, line 31 of the present application. Support for newly added claim 32 can be found at page 1, lines 29-30 of the application. Support for newly added claims 33-43 can be found in pending claims 14-29 of the present application. Support for newly added claim 44 can be found in Example 2 of the application. Support for newly added claim 45 can be found in claim 13 of the application. Support for newly added claims 46 and 47 can be found in Example 2 of the application and page 1, lines 29 and 30. Support for newly added claims 48-58 can be found in pending claims 14-29 of the application.

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Claims 13-16, 19-21 and 25-58 are now pending. Please charge the \$378.00 fee for the extra claims (21 claims) over 20 to our Deposit Account No. 03-2775.

Claims 13-16, 19-21 and 25-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Meckl *et al.* U.S. Patent No. 3,293,036 ("Meckl"). Claims 13-16, 19-21 and 25-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ohkubo *et al.* U.S. Patent No. 3,591,380 ("Ohkubo"). Claims 13-16, 19-21 and 25-29 were rejected under 35 U.S.C. § 102(b) as being anticipated by Schranz *et al.* U.S. Patent No. 3,879,203 ("Schranz"). Claims 13-16, 19-21 and 25-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Merkl alone or considered with Papai U.S. Patent No. 6,221,570 ("Papai '570"). Claims 13-16, 19-21 and 25-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohkubo alone or considered with Papai '570. Claims 13-16, 19-21 and 25-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schranz alone or in view of Papai '570. The applicants respectfully traverse these rejections.

The Examiner's rejections are based on the term "concentrate" used in pending claim 13, that to his opinion is not patentably different from a ready-to-use (bleach-fixing) compositions.

The Examiner only argues according to the absolute concentration of the chemical ingredients when comparing the concentrates of the present invention and the ready-to-use bleach-fixing compositions according to the cited prior art. Indeed the absolute concentration is of importance, because the undesired decomposition and crystallization gets worse with increasing concentration of the ingredients.

The present invention is directed to a "one-part concentrate". A person skilled in the art would not understand a "one-part concentrate" as a ready-to-use bath that is directly used to process the material, but as a solution that is pre-prepared and then a) diluted to get a ready-to-

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use bath or regenerator or b) used as a regenerator. However, the concentrate necessarily has a higher concentration than the ready-to-use bath prepared from this concentrate. The applicants have amended pending claim 13 and filed new claim 44 to make this meaning of the term "concentrate" clear.

Therefore, the term "concentrate" makes applicants' invention new over the prior art. Although the absolute concentration of the concentrates of the present invention might overlap with the concentration according to the recipe on page 79 of EP 532042 ("EP '042"), EP '042 fails to teach a concentrate that has to be diluted according to present claims 13 and 44; and that is stable on storage.

But there is a second meaning disclosed by "one-part concentrate" besides the relative concentration, that is even more important. A person skilled in the art will interpret a concentrate as a pre-prepared solution that has been produced in concentrated form to save storage and shipping costs and that can be stored under specified conditions for a long time.

It is evident from the examples of the present invention that applicants' invention is directed to one-part concentrates having an improved storage stability. Example 1 demonstrates the effect of the present invention in a forced storage test. The decomposition time of the sulphite was tested at 60 °C, what is a good simulation of long time storage stability in this case. The immediately used solution ("No storage") is not significantly influenced by the addition of phosphates, but the stored concentrates according to the present invention surprisingly show a better sulphite stability.

Example 2 demonstrates the advantages of the present invention under cool storage conditions (-5 °C). Even after five days storage, the comparison concentrates show a deposition of crystals that decrease the available content of active ingredients. This test cannot be forced by

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a higher, but by a lower temperature, because the crystallization of compounds is generally promoted by lower temperatures.

Usually a concentrate is stored at low temperature for a long time, whereas a ready-to-use solution is heated immediately after its preparation to the process temperature, e.g. 38 °C (see Example 14, page 78, line 45 of EP '042) and is used for the photographic processing.

The objects of the present invention, sulphite stability and low-temperature crystallization stability, are particularly important for a one-part concentrate, that is stored at least five days before (see claim 30). The storage time of five days is demonstrated in Example 1, in the table on page 6 of the present invention.

When a concentrate of the present invention is used as a replenisher or a regenerator, again it will be diluted with water in most cases. However, depending on the processing apparatus used, it can also be directly injected in the BX processing tank to replenish or regenerate the BX bath.

None of the cited references, EP '042, Meckl, Ohkubo or Schranz disclose a concentrate that is diluted before use, nor a concentrate that can be stored before use and therefore the applicants' invention according to claims 13, 30 and 44 as well as the dependent claims is new.

The applicants' invention, even in view of Papai, is not rendered obvious over the cited prior art, because none of the references teaches or suggests to use phosphates to reduce sulphite decomposition and ingredients crystallization on storage of one-part BX concentrates.

Prior to the applicants' invention, phosphoric acid derivatives were only known besides many others to control the pH of the BX bath, as disclosed e.g. on column 3, lines 8-12 of Ohkubo, whereas the present invention surprisingly unveils them to be efficient storage stabilizers for one-part BX concentrates. The advantage of applicants' invention over the prior

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art has been demonstrated independent of the pH, as all runs of applicant's Examples were done at the same pH. Therefore, the present claims are patentable and these rejections should be withdrawn.

A three-month extension of time has been paid.

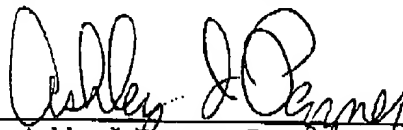
Again, please charge the \$378.00 fee for the extra claims (21 claims) over 20 to our Deposit Account No. 03-2775. If there are any additional fees due in connection with the filing of this response, including any fees required for an additional extension of time under 37 CFR 1.136, such an extension is requested and the Commissioner is authorized to charge or credit any overpayment to Deposit Account No. 03-2775.

For the reasons set forth above, Applicants believe that the claims are patentable over the references cited and applied by the Examiner and a prompt and favorable action is solicited. The applicants believe that these claims are in condition for allowance, however, if the Examiner disagrees, the applicants respectfully request that the Examiner telephone the undersigned at (302) 888-6270.

Respectfully submitted,

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APPENDIX 1

-- 13. A one-part photographic bleach-fixing concentrate comprising

- a) an iron(III) complex salt,
- b) a thiosulphate,
- c) a sulphite, a disulphite or a sulphinic acid, and
- d) at least one compound comprising a phosphate, polyphosphate, polyphosphonate, nitrate or bromide; and

wherein the concentrate has an amount of phosphate, polyphosphate,

polyphosphonate, nitrate or bromide ranging from 0.01 to 2.5 mol/litre; and

wherein said concentrate can be converted, by dilution, to a ready-to-use bleach-fixing bath.

27. The one-part bleach-fixing concentrate according to claim ~~13~~ 19, wherein said one or more complexing agents is present in an amount from 1 to 200 mmol/l concentrate.
28. The one-part bleach-fixing concentrate according to claim ~~13~~ 19, wherein the one or more complexing agents is in an amount of from 5 to 50 mmol/l concentrate. --

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